

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Baltimore Division)**

WELLS FARGO BUSINESS CREDIT, INC.

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Plaintiff

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v.

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Case No.: 02-CV-4153 MJG

WILLIAM W. JONES, JR.

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Defendant

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**DEFENDANT’S MOTION TO STRIKE ORDER OF DEFAULT**

William W. Jones, Jr (“Jones”), Defendant, by his undersigned attorneys, files this Motion to Strike Order of Default, and states as follows:

1. This action was commenced by the Plaintiff on December 23, 2002.
2. The Defendant was thereafter served on January 13, 2003.
3. Defendant thereafter filed his Answer to the complaint on or about February 13, 2003.
4. On or about February 11, 2003, Plaintiff filed a Motion for Default Judgment (the “Default Motion”) based on Defendant’s failure to file a responsive pleading to the complaint.
5. Defendant filed a Response in Opposition to Motion for Default Judgment on February 26, 2003 (the “Response”).
6. Prior to receiving Defendant’s Response, on February 24, 2003 the Court granted the Default Motion, and an Order of Default was entered, eleven (11) days after the Defendant cured the default.
6. As stated in Defendant’s Response, Defendant’s undersigned counsel communicated with counsel for the Plaintiff upon the serving of the summons on the Defendant. Plaintiff’s counsel stated that

he would allow the Defendant additional time to file an answer. A copy of Defendant's Response is attached hereto as **Exhibit 1**.

7. Based on the agreement to allow more time to file an answer, and on the fact that the Defendant cured the default eleven (11) days prior to the entry of the Order of Default, Defendant asserts that cause exists to strike the default order.

8. The Defendant further asserts that there are material facts in dispute in this matter, as stated in the Defendant's Answer and in the Response, requiring that this matter continue to trial on its merits. It should be noted that a scheduling order has been issued in this case.

WHEREFORE, Defendant requests that the Order of Default be stricken, and that this matter be allowed to continue to a trial on its merits.

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David Daneman, Federal Bar No.: 6976  
James D. Ealley, Federal Bar No.: 26697  
Bishop, Daneman & Simpson, LLC  
2 North Charles Street, Suite 500  
Baltimore, Maryland 21201  
(410) 385-5383  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on this \_\_\_\_ day of March, 2003, that a copy of the foregoing Motion to Strike Order of Default was mailed via first class mail, postage prepaid, to Jeremy S. Friedberg, Esquire and Andrew L. Cole, Esquire, Leites, Leites & Friedberg, P.C., 25 Hooks Lane, Suite 302, Baltimore, Maryland 21208, attorneys for Plaintiff.

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James D. Ealley

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**ORDER STRIKING ORDER OF DEFAULT**

Upon consideration of Defendant's Motion to Strike Order of Default, and a hearing having been held, it is this \_\_\_\_ day of \_\_\_\_\_, 2003, by the United States District Court for the District of Maryland,

ORDERED, that the Order of Default entered on February 24, 2003 is hereby STRICKEN.

\_\_\_\_\_  
Judge

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Plaintiff

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Case No.: 02-CV-4153 MJG

WILLIAM W. JONES, JR.

\*

Defendant

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**REQUEST FOR HEARING**

William W. Jones, Jr (“Jones”), Defendant, by his undersigned attorneys, requests a hearing on the Motion to Strike Order of Default.

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David Daneman, Federal Bar No.: 6976  
James D. Ealley, Federal Bar No.: 26697  
Bishop, Daneman & Simpson, LLC  
2 North Charles Street, Suite 500  
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James D. Ealley